

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with Enhanced 911	)	
Emergency Calling Systems	)	
	)	
	)	

**UPDATE TO ACS WIRELESS PETITION FOR LIMITED  
WAIVER AND FORBEARANCE**

ACS Wireless, Inc. (ACSW), by its attorneys, hereby supplements its November 14, 2003 Petition for Limited Waiver and Forbearance (2003 Petition) with information on its progress toward compliance with the FCC's E911 rules.

**I. BACKGROUND.**

ACSW is a Tier III carrier that provides telecommunications services throughout the state of Alaska. On November 30, 2001, ACSW filed a Petition for Limited Waiver of the E911 Phase II Location Technology Implementation Rules<sup>1</sup> established by the Commission and set forth in 47 C.F.R. § 20.18(e)-(h) (Phase II rules). In this Petition, ACSW sought a limited waiver from the Commission's Phase II compliance schedule and proposed an alternative compliance plan that it believed was more realistic at the time. On November 14, 2003, following the Commission's July 26, 2002 *Non-Nationwide Carriers Order*<sup>2</sup> and October 10, 2003 *Order To Stay*,<sup>3</sup> ACSW filed its

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<sup>1</sup> See ACS Wireless Petition for Limited Waiver, *In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102 (Nov. 31, 2001) (Original Petition). Shortly thereafter, on December 5, 2001, ACSW filed a redacted version of its Original Petition for public inspection.

<sup>2</sup> See *Order To Stay, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide Carriers*, CC Docket No. 94-102, 17 FCC Rcd 14841 (2002) (*Non-Nationwide Carriers Order*).

<sup>3</sup> See *Order To Stay, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, E911 Compliance Deadlines for Non-Nationwide Tier III CMRS Carriers*, CC Docket No. 94-102, 18 FCC Rcd. 20, 987 (rel. Oct. 10, 2003) (*2003 Order To Stay*).

2003 Petition in which it updated its original petition and proposed a revised compliance plan.<sup>4</sup>

## **II. UPDATE TO ACSW'S 2003 PETITION.**

Since ACSW filed its 2003 Petition, it has diligently worked to build and deploy a CDMA network that will enable it to meet the Commission's E911 standards. ACSW continues to expend substantial resources, including significant amounts of money, in trying to build its network as expeditiously as possible.

### **A. Update to ACSW's CDMA Deployment Schedule.**

In its 2003 Petition, ACSW described its three phase build-out plan for its CDMA network as follows:<sup>5</sup>

- **Phase I:** Expected completion date of **December 31, 2003**; coverage of Anchorage and Matanuska Valley; this area will cover over 50% of Alaska's population and **over 50% of ACSW's subscriber base**;
- **Phase II:** Expected completion date of **December 31, 2004**; coverage of all other major population centers, including Fairbanks, Juneau, and the Kenai Peninsula; will cover over 75% of Alaska's population and **over 85% of ACSW's subscriber base**; and
- **Phase III:** Expected completion date of **December 31, 2005**; **complete the remaining coverage areas**, including more remote locations and smaller-populated communities.

Here is the update to that plan:

- **Updated Phase I:** ACSW has made substantial progress on construction of the 32 sites in Anchorage and the 9 sites in the Matanuska Valley that comprise Phase I. Overall, ACSW has completed construction on the core coverage CDMA sites for this area, and will continue to add capacity as appropriate, over time, that will improve service quality.<sup>6</sup>

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<sup>4</sup> See ACS Wireless Petition for Limited Waiver and Forbearance, *In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102 (Nov. 14, 2003) (2003 Petition).

<sup>5</sup> See *id.* at 11.

<sup>6</sup> Construction has commenced on almost all sites, and the sites are either all or partially constructed at this time. ACSW has not been able to begin work on three of the 41 sites planned. ACSW's permit for Jewel Lake was revoked due to complaints by neighbors about the height of the tower, and ACSW expects to reapply for that permit in the next 30 days. The City of Anchorage has not yet signed a lease for land on the Russian Jack site. ACSW expects to reach agreement, however, because the City of Anchorage has great interest in completing the project. Finally, collocation of equipment on a tower owned by Dobson Communications at Elmendorf Air Force Base is on hold, pending joint spectrum clearing by the military, a process that takes about 120 days.

- **Updated Phase II:** ACSW has completed construction of 19 CDMA sites in Kenai, 10 CDMA sites in Juneau, and 14 CDMA sites in Fairbanks<sup>7</sup> that comprise Phase II. As of December 31, 2004, ACSW had constructed cell sites and upgrades to reach substantially all of the population in these urban areas. ACSW will continue to add more sites as appropriate, over time, which will allow greater capacity and improve service quality.
- **Updated Phase III:** ACSW expects to complete 121 of the originally-scheduled 150 Phase III sites by December 31, 2005. It will push construction of 29 of the planned sites out into 2006 as Phase IV (see below).<sup>8</sup>
- **Updated Phase IV:** ACSW plans to construct 29 sites by December 31, 2006. These sites include small communities in Southeast such as Klawock (population 854); Craig (population 1906); Hoonah (population 860); Kake (population 710); and Thorne Bay (population 557). Approximately 18 sites will stretch from Glenallen (population 554), south along the Richardson Highway, to Valdez (population 4036). ACSW currently serves Valdez and Glenallen through roaming partners. Its CDMA build-out will allow it to transition service fully to its own facilities in these areas.

#### ***B. Update to ACSW's Overall Network Buildout Progress***

In addition to the network buildout progress noted in ACSW's 2003 Petition,<sup>9</sup> ACSW has:

- Budgeted \$65 million through year-end 2006 to complete construction of and conversion to its CDMA network, including switching, software, training, site leases, tower construction, permitting, and other components;
- Negotiated a four-year, \$21 million contract with Nortel for switching, software and hardware, and software training components of ACSW's CDMA network;
- Migrated all subscribers to its new Home Location Register (HLR) which supports CDMA technology;
- Conducted all necessary training of technical staff for migration to and operation of ACSW's new CDMA network; and

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<sup>7</sup> ACSW has not yet been able to construct/upgrade two planned sites in Fairbanks. ACSW had planned to collocate CDMA equipment on a tower at College Road, but could not because of structural issues. ACSW has selected another tower and is performing a technical analysis now. Also, ACSW was not able to obtain a permit for the Chena Hot Springs site until December 9, 2004 because the City of Fairbanks administration was necessarily focused on issues related to extensive wildfires over the summer and did not process the permit earlier. ACSW expects to complete work on this site within 120 days.

<sup>8</sup> Budgetary constraints require ACSW to defer spending on these sites. Also, since the construction season in Alaska is very short, ACSW believes that, realistically, it will not be able to construct all the sites it had originally planned in 2005 because many are located in very remote and rural areas.

<sup>9</sup> *See id.* at 10-11.

- Tested, and implemented, SMS system, complete in January 2004. Tested, implemented, and converted to a new billing system as well as back office functionalities to handle transfer to CDMA network, complete in June 2004.

***C. Update to ACSW's Compliance with Location-Capable Handset Deadlines.***

With its progress in deploying its CDMA network in the major population centers, ACSW reports for the fourth quarter of 2004 that approximately 80% of all new handsets activated for Anchorage-area subscribers were location-capable. Statewide, approximately 75% of all new handsets activated were location-capable in the fourth quarter of 2004.

***D. Update to Status of PSAP Requests.***

In its Petition, ACSW noted that the Municipality of Anchorage had rescinded its PSAP request for Phase II location data. Therefore, ACSW did not have any requests pending for E911 Phase II service.

The Anchorage PSAP has notified ACSW that it will be ready to receive E911 Phase II data beginning February 14, 2005. ACSW is currently capable of providing Phase I and II location data for its CDMA subscribers in the Anchorage area and, pursuant to the Anchorage PSAP's request, will begin providing Phase I and II service for its Anchorage area CDMA subscribers at that time.

The Fairbanks PSAP has not requested Phase I or Phase II service. ACSW understands that the Fairbanks PSAP does not have equipment available to receive E911 Phase II location data at this time. The Fairbanks PSAP has indicated its intent to install such equipment, however.

ACSW is not aware of any other PSAP in Alaska that has the equipment necessary to receive E911 Phase II location data.<sup>10</sup>

***E. Update to ACSW Accuracy/Reliability Analysis***

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<sup>10</sup> ACSW understands that the Kenai PSAP has some equipment capable of receiving E911 Phase II data, but it still lacks the interface necessary to receive location data from carriers.

In its Petition, ACSW asked the FCC to forbear from enforcing its accuracy and reliability standards until December 31, 2005. ACSW intended to use the period of time, beginning when a PSAP requested E911 Phase II location data, to conduct testing and gather data based on the actual use of A-GPS handsets on its network to determine what levels of accuracy and reliability were actually achievable on its network.

ACSW has contracted with Intrado, a 25-year expert in management and implementation of emergency communications systems, to ensure that it meets the FCC's accuracy standards. However, since ACSW has not been asked to provide Phase II location data to any PSAP to date, it has not yet been able to test the A-GPS technology so that it can verify the level of accuracy achievable on its network. ACSW cannot test the accuracy and reliability of the data it provides until a PSAP can receive the location data. Intrado will begin testing and gathering data for ACSW on accuracy and reliability levels as soon as ACSW begins providing Phase II location data to the Anchorage PSAP.<sup>11</sup>

Respectfully submitted on this 14th day of January 2005.

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<sup>11</sup> ACSW was prepared to test accuracy by November 20, 2004, but could not because no PSAP in its service area was capable of receiving Phase II location data.